

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION

FRANCISCO JAVIER RODRIGUEZ,  
TDCJ No. 01691380,

Petitioner,

v.

WICHITA COUNTY  
PROSECUTION OFFICE,

Respondent.

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Civil Action No. 7:18-cv-156-O-BP

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

This is a habeas action brought pursuant to 28 U.S.C. § 2254 in which Petitioner claims that he has repeatedly been prosecuted in Wichita County, Texas, under the name Francisco Javier Rodriguez, Jr. He claims that he is not a “junior” and he asks the Court to vacate all his convictions and sentences because of this fictitious name. *See* Amended Petition, ECF No. 5 at 6-7. The United States Magistrate Judge entered his Findings, Conclusions, and Recommendation in which he recommends that the petition be dismissed for failure to exhaust state remedies. *See* ECF No. 14. Petitioner did not file objections. The District Court reviewed the Findings, Conclusions, and Recommendation for plain error. Finding no error, I am of the opinion that the findings of fact, conclusions of law, and reasons for denial set forth in the Magistrate Judge’s Recommendation are correct and they are hereby adopted and incorporated by reference as the Findings of the Court.

Accordingly, the petition for writ of habeas corpus is **DISMISSED** without prejudice.

**SO ORDERED** this 30th day of June, 2020.

  
Reed O'Connor  
UNITED STATES DISTRICT JUDGE